

आरत का राजपत्र

The Gazette of India

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EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 6th March, 1981:—

BILL NO. 3 OF 1981

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1981.	Short title and commencement.
(2) It shall come into force at once.	
2. In article 324 of the Constitution,—	Amendment of article 324.
(i) in clause (1), after the words "Legislature of every State and" the words "Local Bodies and" shall be inserted.	
(ii) in clause (4), after the words "Legislative Assembly of each State" the words "and to the Local Bodies" shall be inserted.	
3. In article 325 of the Constitution, after the words "Legislature of a State and" the words "Local Bodies and" shall be inserted.	Amendment of article 325.
4. In article 326 of the Constitution, after the words "Legislative Assembly of every State" the words "and Local Bodies" shall be inserted.	Amendment of article 326.
5. In article 328 of the Constitution, after the words "either House of the Legislature of the State" the words "and Local Bodies" shall be inserted.	Amendment of article 328.

STATEMENT OF OBJECTS AND REASONS

As per the Directive Principles of State Policy the village Panchayats should be organised by the State Governments. The experience has shown that most of the States are avoiding to conduct regular elections to local bodies due to political reasons.

In order to see that elections to local bodies are held regularly and Panchayat system functions effectively in our villages the amendments proposed are necessary.

Hence this Bill.

NEW DELHI;
November 20, 1980.

G. NARSIMHA REDDY

FINANCIAL MEMORANDUM

Clause 2(i) of the Bill provides that superintendence, direction and control for the preparation of the electoral rolls for, and the conduct of all elections to local Bodies shall be vested in the Election Commission. Clause 2(ii) provides for the appointment of Regional Commissioners to assist the Election Commission in the performance of its functions. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees one crore annually from the Consolidated Fund of India. A non-recurring expenditure of about rupees twenty lakhs is also likely to be incurred.

BILL NO. 4 OF 1981

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1981. Short title.
2. In article 171 of the Constitution, in clause (3), in sub-clause (c), the words "not lower in standard than that of a secondary school" shall be deleted. Amend-
ment of
article 171.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India does not prescribe any qualification to the electorates for the election of members of Parliament or of State Legislative Assemblies. As per the provision in sub-clause (c) of clause (3) of article 171 of the Constitution, the teachers in educational institutions lower in standard than that of a secondary school do not enjoy the right of voting in the elections for the teachers' constituencies to the State Legislative Councils. There is a discrimination among the teachers in their right to vote. When there is no discrimination in the electorates for the election of members of Parliament and members of State Legislative Assemblies, the existing discrimination among the teachers is contrary to the democratic norms and principles. This Bill seeks to remove this discrimination among the teachers and to secure respect and equal opportunity to all teachers irrespective of the standard of the educational institution where they teach.

NEW DELHI;

ERA ANBARASU

November 24, 1980.

BILL No. 18 OF 1981

A Bill to make provision for enabling blind persons to secure employment and for matters incidental to or connected therewith.

Be it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Blind Persons (Employment) Act, 1981.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint and different dates may be appointed for different states.

2. In this Act, unless the context otherwise requires,—

Short title,
extent
and com-
mence-
ment.

Definitions

(a) "Appropriate Government" means,—

(i) the Central Government in relation to:—

(a) any establishment of any railway, major port, mine or oil field, or any establishment owned, controlled or managed by:—

(i) the Central Government or a department of the Central Government; or

(ii) a company in which not less than fifty-one per cent. of the share capital is held by the Central Government or partly by the Central Government and partly by one or more State Governments; or

(iii) a corporation (including a co-operative society) established by or under a Central Act or owned, controlled or managed by the Central Government.

(2) in relation to any other establishment, the Government of the State in which that other establishment is situated;

(b) "Blind person" means a person who is blind according to the following standards,—

(i) total absence of sight; or

(ii) visual equity (with correcting lenses) not exceeding 20/200 or 6/60 (snellen) in the better eye; or

(iii) angle of vision subtending 20° or less in the better eye;

(c) "chief registering authority" means the authority appointed under section 6;

(d) "employer" means any person who employs fifty or more persons to do any work in an establishment for remuneration and includes any person entrusted with the supervision and control of employees in such establishment;

(e) "establishment" means—

(i) any office; or

(ii) any place where any industry, trade, business or occupation is carried on;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "register" means the register maintained under section 7;

(h) "registering authority" means the authority appointed under section 5.

Act not to apply in relation to certain employments.

3. This Act shall not apply in relation to—

(a) any employment in agriculture (including horticulture);

(b) any employment in domestic service;

(c) any employment the total duration of which is less than three months;

(d) any employment which carries remuneration of less than Rs. 100/- (rupees one hundred) a month.

Employers to reserve certain percentage of vacancies in employments.

4. As from the commencement of this Act, every employer shall reserve not less than three per cent of the vacancies occurring in any year in any employment in the establishment to be filled in by blind persons who are registered under this Act.

5. The appropriate Government may, by notification in the official Gazette, appoint as many authorities as it deems necessary as Registering Authorities for the purpose of registration of blind persons and may, in the notification, define the area within which each such Authority shall exercise jurisdiction.

Appointment of
register-
ing autho-
rities.

6. Without prejudice to the provisions of section 3, the appropriate Government may, by notification in the official Gazette, appoint such authority, as it deems fit, as the Chief Registering Authority for the purposes of this Act.

Appoint-
ment of
Chief
Register-
ing Autho-
rity.

7. (1) Any blind persons possessing the prescribed qualifications and desiring to get himself registered under this act may make an application, in such form and containing such particulars as may be prescribed, to the registering authority within whose jurisdiction he resides.

Registra-
tion of
blind
persons.

(2) On receipt of an application under sub-section (1), the Registering Authority may cause such enquiries, as it deems necessary, to be made and if it is satisfied that the applicant is a blind person and possesses the prescribed qualifications, register his name in a register and issue to the applicant a certificate of registration in the prescribed form, or an identity card.

(3) The Register shall be maintained by the Registering Authority in such form and in such manner as may be prescribed.

8. Every Registering Authority in a State shall submit to the Chief Registering Authority of the State such periodical returns (including a list of the blind persons registered with the Registering Authority) within such intervals and with such particulars as may be prescribed.

Register-
ing
authorities
to
submit
periodical
returns to
the
Chief
Registering
Authority.

9. Every employer shall before filling up any vacancy in any establishment shall notify that vacancy to the Registering Authority within whose jurisdiction that establishment is situated.

Employers
to notify
vacancies
to the
Register-
ing
Autho-
rities.

10. (1) As soon as may be after the receipt of the notification of the vacancies under section 9, the Registering Authority shall furnish a list of blind persons registered with it, containing such particulars as may be prescribed, to the employer who has notified the vacancies under that section and thereupon the employer shall, within the prescribed period, fill up the percentage of vacancies prescribed in section 4 by appointing such of the blind persons as he considers suitable and inform in writing the fact of such appointment to the Registering Authority.

Register-
ing
authority
to
furnish
list of
blind per-
sons to
employers.

(2) No blind person shall be rejected on the ground that he cannot perform a particular job and in case a board of experts certifies that he can do so with the help of modern technological devices in that event it shall be the responsibility of the appropriate Government to provide

such aids on loan for as long as the concerned blind person is in employment and make use of the devices lent to him.

(3) The Appropriate Government shall appoint a Board of Experts who will, in each case, determine whether the blind person can perform a job with the help of modern devices. Their decision shall be final and binding both on the appropriate Government and the employer.

(4) Where any registering authority in a State has no suitable blind persons registered with it, it shall intimate this fact to the Chief Registering Authority of the State and thereupon the Chief Registering Authority shall forward to the Registering Authority the name of any blind person entered in the records maintained by the Chief Registering Authority and thereupon the provisions of sub-section (1) shall apply for filling up the vacancy by appointing the blind person.

Disputes or differences between the employer and the registering authority to be referred to the prescribed authority.

Removal of names of blind person from the register.

Re-registration of blind persons in certain cases.

Vacancies to be carried forward.

11. If any dispute or difference arises between the employer and the Registering Authority as to the suitability of a blind person for appointment or as to whether such person is a blind person or not, such dispute or difference shall be referred by the appropriate Government to the prescribed authority whose decision thereon shall be final.

12. When any blind person has been appointed to fill up any vacancy in an establishment under section 10, the Registering Authority or as the case may be, the Chief Registering Authority shall remove the name of such person from the register or other records after a period of one year from the date of his appointment.

13. Where after the appointment of any blind person in any establishment under section 10 such person has been discharged by the employer, nothing in this Act shall preclude such person to get himself registered again with the Registering Authority in accordance with the provisions of this Act.

14. (1) Where in any year any vacancies in an establishment reserved under section 4 cannot be filled up either due to the non-availability of suitable blind persons or for any other sufficient reason such vacancies may be filled up by the employer by appointment of persons who are not blind, but the number of such vacancies shall be carried forward to the succeeding year and so on upto the end of the fourth year:

Provided that the aggregate of the vacancies carried forward to any year and the vacancies reserved under Section 4 in that year shall not yet exceed five per cent of the vacancies (both reserved and unreserved) in that year.

(2) For the purpose of sub-section (1), a blind person shall not be deemed to be unsuitable to fill up the vacancy unless a certificate in this behalf is obtained by the employer from the registering authority.

15. (1) Every employer shall maintain such records giving such particulars of the blind persons in such manner as may be prescribed.

Em-
ployers to
maintain
records.

(2) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in this behalf by general or special order by the appropriate Government.

16. The Central Government shall appoint a National Advisory Council and the appropriate Governments shall appoint their own Advisory Councils to advise them on all problems arising from the implementation of this Act.

National
Advisory
Council.

17. The Central Government or the appropriate Government, as the case may be, shall give unemployment allowance to every blind persons amounting Rs. 300/- (Rupees three hundred only) per mensem whose name appear in the Register maintained under section 7 of this Act till such time as he is given an employment.

Unem-
ployment
Allow-
ance.

18. (1) If any employer contravenes the provisions of section 4 or section 9 or section 10 of this Act, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to two thousand rupees, or with both.

Penalty.

(2) If any employer contravenes the provisions of sub-section (1) of section 15 or obstructs or causes obstruction to any officer authorised to inspect the records under sub-section (2) of that section, he shall be punishable with fine which may extend to one thousand rupees.

19. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was incharge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences
by com-
panies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Offences
by Gov-
ernment
depart-
ments.

20. Where an offence under this Act has been committed by any department of Government, the head of such department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render the head of such department liable to any punishment under this Act, if the head of such department proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Power to
make
rules.

21. (1) The Central Government may, after consultation with, the National Advisory Council referred to in section 16, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the qualification or qualifications which a blind person shall possess to entitle him to make an application under section 7;

(b) the form in which an application under section 7 shall be made and the particulars which such application shall contain;

(c) the form in which and the manner in which the register shall be maintained under section 7;

(d) the returns to be submitted to the Chief Registering Authority, the intervals within which such returns shall be submitted and the particulars which such returns shall contain;

(e) the particulars which a list of blind persons furnished under sub-section (1) of section 10 shall contain and the period within which the employer shall fill up the vacancies under that sub-section;

(f) the authority to which any dispute or difference between the employer and the registering authority may be referred under section 11;

(g) any other matter which has to be or may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The year 1981 is being observed all over the world as the year of the disabled. One of the worst disabilities that a human being can suffer from is blindness. In India, the year gone by has witnessed quite a few tragic happenings which have sharply brought into public focus the plight of the blind. Many of them have talent, but they are unable to get suitable employment.

It would be in the fitness of things if in 1981, Parliament legislates to ensure that blind persons are able to secure suitable jobs.

This Bill seeks to achieve this objective.

NEW DELHI;

January 20, 1981.

ATAL BEHARI VAJPAYEE

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of Registering Authorities for the purpose of registration of blind persons. Clause 6 provides for appointment of a Chief Registering Authority for the purposes of the Act. Sub-clause 3 of clause 10 provides for the appointment of experts by the Government. Clause 16 of the Bill provides for the appointment of a National Advisory Council by the Government. Clause 17 of the Bill makes provision for giving unemployment allowance of rupees three hundred per mensem to every blind person till such time as he is given employment. Clause 21(2)(f) enables the Central Government to make rules to provide for an authority to which any dispute or difference between the employer and the Registering Authority may be referred. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

At this stage, it is not possible to give precisely the estimate of recurring and non-recurring expenditure involved from the Consolidated Fund of India. However, it is roughly likely to involve recurring expenditure of rupees one crore per annum and non-recurring expenditure of rupees ten lakhs per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The matters with respect to which rules may be made are matters of administrative procedure or detail. The delegation of the legislative power is, therefore, of a normal character.

BILL NO. 16 OF 1981

A Bill further to amend the Prevention of Food Adulteration Act, 1954.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1981.

Short title.

2. Sub-section (2) of section 16 of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as the principal Act) shall be omitted.

Amend-
ment of
section 16.

3. For section 20A of the principal Act, the following section shall be substituted, namely:—

Substitu-
tion of
section
20A.

“20A. Where at any time during the trial of any offence under this Act alleged to have been committed by any person, not being the manufacturer, distributor or dealer of any article of food, the court is satisfied that such manufacturer, distributor or dealer is also concerned with that offence, then the court shall, notwithstanding anything contained in sub-section (3) of section 319 of the Code of Criminal Procedure, 1973 or in section 20, proceed against him as

Power of
court to
impeach
manufac-
turer, etc.

Insertion
of new
sections
20B and
20C.

Proce-
dure
where
vendor
not found
guilty.

Penalty
where
manu-
facturer,
etc. found
guilty.

though a prosecution had been instituted against him under section 20."

4. After section 20AA of the principal Act, the following sections shall be inserted, namely:—

"20B. Where under section 19, a vendor is found not to have committed an offence pertaining to the sale of any adulterated or misbranded article of food or where the adulterated article bears an Indian Standards Institution certificate and it is proved that the vendor had stored the article of food properly while in his possession and sold it in the same state as he purchased it, the court shall proceed against the manufacturer, distributor or dealer of such adulterated article of food as though a prosecution had been instituted against him under section 20.

20C. (1) Where a manufacturer, distributor or dealer is prosecuted and is found to have committed an offence under this Act, the court before which the conviction takes place shall cause the offender's name and place of residence, the name of the firm or company concerned, the offence committed and the penalty imposed to be published at the offender's expense in such newspapers as the court may direct and to be broadcast on the radio net-work of the country.

(2) The expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.”.

STATEMENT OF OBJECTS AND REASONS

Of late, the menace of food adulteration has assumed alarming proportions involving grave risk to public health. Particularly in urban areas this evil is more rampant. Laboratory tests have revealed that date husk, black gram husk, grit, saw dust are common adulterants in coffee and tea. Similarly, rancid stuff, cheaper oils and mineral oils are the common adulterants in edible oils.

It is necessary to curb this evil practice with iron hand. The spiralling prices, the shortages and the opportunities to make quick money in the black market were responsible for such excessive adulteration. Added to this socio-economic climate are the lacunae in implementing laws. The manufacturers, distributors or dealers of adulterated or misbranded articles of food often escape the law and the petty vendor is punished. It is necessary that the big sharks behind this heinous crime i.e., the manufacturers, distributors or dealers should not escape the prosecution and punishment and at the same time names of those who are found guilty of an offence under the Prevention of Food Adulteration Act, 1954, should be published for the information of the public and for warning the public against buying and consuming the articles produced or distributed or sold by such unscrupulous persons.

Hence this Bill.

VASANT KUMAR PANDIT

NEW DELHI;

January 15, 1981.

BILL No. 14 OF 1981

A Bill to provide for universalisation of elementary education in India.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:

Short title,
extent and
commencement.

Defini-
tions.

Compul-
sory
education
for child-
ren above
five years.

1. (1) This Act may be called the Universalisation of Elementary Education Act, 1981.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) "economically backward student" means a student the income of whose parent is less than Rs. 1500 per annum;

(b) "Government" means Central Government;

(c) "parent" means father or mother or guardian in case there is no father;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "student" means a boy or girl.

3. Every parent shall compulsorily send his son or daughter, on completion of five years of age, to any elementary school whether it belongs to a local body, Government, or to a private body and shall not stop him/her from going to a school till he/she attains fourteen years of age.

4. The Government shall supply to every economically backward student slates, pencils, books, uniforms and other material necessary to further the studies and provide mid-day meals or financial assistance to be prescribed by the Government.

Supply of material for studies and provision of mid-day meals.

5. There shall not be any age restriction in the first year of the implementation of this Act for the students to get admission to the first class of the school.

No age restriction in the first year of the Act.

6. On default of sending any boy or girl to School, as provided for hereinbefore, no financial assistance or loan or any aid shall be given to the parent by the Government, or a bank or a cooperative society or any other quasi-Government organisation.

No Government aid, etc. on default.

7. The Government may make rules for carrying out the provisions of this Act and every rule so made shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Though many States have passed Acts regarding compulsory education they are not being implemented because the measures therein are not adequate. Unless the poor students are helped by the Government to get slates, books, uniforms and mid-day meals or financial assistance is given to the economically backward students, the parents will not be able to send the children to schools. Therefore, this Bill envisages the supply of the above things to the students.

In the villages, some boys and girls come to school later than prescribed age due to their special circumstances. In the first year they should be given exemption of age.

Even after providing the above facilities or financial assistance some parents may not send their children to the school. Therefore, the necessity of this Bill.

NEW DELHI;

VASANT KUMAR PANDIT.

January 17, 1981.

FINANCIAL MEMORANDUM

Clause 4 of the Bill fixes the responsibility of the Government for providing books, slates, uniforms, mid-day meals or financial assistance to the economically backward students. The recurring expenditure on this account may work out to Rs. 100 crores per annum which would be met from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred in case the Bill is enacted.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Government to frame rules to carry out the purposes of the Bill. Under clause 4, Government will have to prescribe the financial assistance to be given to the economically backward students in case the books, mid-day meals and uniforms, etc. are not given to them. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 28 OF 1981

A Bill further to amend the Regional Rural Banks Act, 1976.

Be it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Regional Rural Banks (Amendment) Act, 1981.

Amend-
ment
of
section
17.

2. In section 17 of the Regional Rural Banks Act, 1976, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) A Regional Bank may appoint such number of officers and other employees as it may consider necessary or desirable for the efficient performance of its functions and may determine the terms and conditions of their appointment and service:

Provided that it shall be lawful for a Sponsor Bank, if requested so to do by a Regional Rural Bank sponsored by it, to send, during

the first two years of the functioning of a Regional Rural Bank, such number of officers or other employees on deputation to the Regional Rural Bank as may be necessary or desirable for the efficient performance of its functions:

Provided further that the remuneration of officers and other employees appointed by a Regional Rural Bank shall be such as may be determined by the Central Government, and, in determining such remuneration, the Central Government shall have due regard to the salary structure of the employees of the rural branches of other banking institutions and the local authorities of comparable level and status in the notified area.”

STATEMENT OF OBJECTS AND REASONS

Section 17(1) of the Regional Rural Banks Act, 1976 comes in the way of fixing up the uniform pay scales for the employees of the rural banks. This constitutes grave injustice to the employees of the regional rural banks.

This Bill seeks to remove the injustice.

MADHU DANDAVATE.

NEW DELHI;
January 12, 1981.

AVTAR SINGH RIKHY.
Secretary.